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C O N F I D E N T I A L BAGHDAD 003525

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [IZ](#)

SUBJECT: REACTION TO NEW CONSTITUTION: SUNNIS EXPRESS  
DISMAY, OTHERS MEASURED SATISFACTION

Classified By: POLCOUNS ROBERT FORD, FOR REASONS 1.4 (B) AND (D).

11. (C) SUMMARY Following the August 28 release of the final draft of the new Iraqi Constitution, Poloffs gathered with Transitional National Assembly (TNA) members and other Iraqi political figures. The Sunni Arab negotiators' public reaction was very negative. In private, some of the negotiators were more ambivalent about the text, although the issue of Iraq's Arab identity clearly was a sticking point. Our Sunni Arab political contacts affirmed their determination to stay in the political process. Shia, Kurd and Assyrian contacts expressed measured satisfaction with the text, while pointing to its "shortcomings" with regard to de-Baathification and the role of religion. END SUMMARY

12. (U) National Dialogue Council member Shayk Abd al,Nasser al-Janabi and National Dialogue Spokesman Saleh Mutlak held a press conference in which they warned that the Constitution was divisive. They deplored the absence of a sufficiently clear assertion that Iraq is part of the Islamic and Arab world. In a statement released the evening of August 28, the Sunni leaders expressed agreement with many paragraphs in the Constitution, but said that "serious points of difference remain." They said they could not agree to the text as it is and called for the United Nations and the Arab League to intervene and stop the draft from going forward. The statement also pledged to remain in the political process and participate in upcoming elections. (Comment: Mutlak has taken a harder line on Arabic satellite television, but their written statement clearly indicates they hope the text can be amended to meet their demands. End Comment.)

13. (C) Saleh Mutlak privately told Poloff August 28 that voting against the constitution would not harm the Sunni political position. He explained a united Sunni community could vote down the Constitution and pursue greater Sunni representation in December elections for a new National Assembly. When PolOff cautioned against the danger of creating a self-fulfilling prophecy of a marginalized Sunni population, Mutlak said, "I must follow my heart." PolOff stressed that after the recent US efforts to press on Shia and Kurds to alter the Constitution to accommodate Sunni demands, it was difficult to understand major Sunni disagreements with the text. He said that the Dialogue members should not expect to be able to publicly oppose the Constitution while maintaining a "business as usual" relationship with the U.S. Embassy.

14. (C) Some Sunni Arab contacts took a softer line in private. Dialogue member Sa,adoon al Zubaydi told Poloff August 28 he had pushed for Sunni moderation, noting "we have made a mistake. We should work within the system." Saad Janabi, the head of the Iraqi Republican Gathering Party, told PolCouns August 28 that the text was probably the best the Sunni Arabs could get. He said it was hard to convince Dialogue members like Saleh Mutlak to say anything positive in public. Tareq al-Hashimi, the real leader of the Iraqi Islamic Party, told PolCouns late August 27 that the deal on federalism was a good one. He added that the Arab identity of Iraq remained very sensitive to Sunni Arabs especially. (Saleh Mutlak underlined that point with us repeatedly as well.)

15. (C) In contrast, Shia, Kurd and other non-Sunni contacts expressed measured satisfaction with the final draft. Shia Islamist Saad Jawad Qindeel said he was satisfied with the text but disappointed over what he characterized as the Constitution's weak endorsement of de-Baathification. Yazidi Kurd Khairi Said declared that while the KDP did not get everything it wanted, it was still a "great day for Iraq." He noted that the Constitution was a living document and would be open for amendments in due course. KDP member Khusraw al-Jaf angrily questioned the motivations of Sunni Arab critics of the Constitution. He said that Abdel Nasser al-Janabi and Mutlak were "barbarians" rather than legislators, who should never have been allowed in the TNA. A senior aide to President Talabani told Poloff that it was exhausting to have put so much effort into a constitution "that still has problems". In particular, he said that most Kurds will be unhappy with the prominent role given to religion in the final draft. Chaldo-Assyrian Constitution Committee Member Yonadam Kanna said that he was quite pleased with the Constitution's guarantees for freedom of religion.

16. (C)

